

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

IN RE: :  
RHODA VAN LEER, :  
Debtor :  
: :  
RHODA VAN LEER, :  
Appellant :  
: :  
v. : CIVIL NO. AMD 06-1900  
: :  
DASHCO, INC., :  
Appellee : APPEAL FROM BANKRUPTCY  
: CASE NO. 06-10826  
...o0o...

MEMORANDUM OPINION

This is an appeal from an order of the bankruptcy court. Subject matter jurisdiction is appropriate under 28 U.S.C. § 158(c)(1). Appellant Rhoda Van Leer, the Debtor, complains, *inter alia*, that an order of the bankruptcy court (which granted Appellee's motion that certain property was not property of the estate) was entered prior to the due date for Debtor's written response to the motion. Appellee has not appeared in this appeal.

Although the bankruptcy court's order appears to be correct on the merits, on the present record, this court is constrained to agree with Debtor that she should have been afforded an opportunity to file an opposition to the motion prior to the bankruptcy court's determination of the motion. Accordingly, the bankruptcy court's order shall be vacated and the case remanded for further proceedings. An Order follows.

Filed: October 12, 2006

/s/  
Andre M. Davis  
United States District Judge